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McCarthy and Nominal Defendant Coherent, Inc.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

IN RE COHERENT, INC. SHAREHOLDER  
DERIVATIVE LITIGATION

\_\_\_\_\_  
This Document Relates to: ALL ACTIONS

LEAD CASE NO.: C-07-0955-JF

STIPULATION AND [PROPOSED]  
ORDER EXTENDING TIME TO  
RESPOND TO COMPLAINT

1 WHEREAS, on June 25, 2007, plaintiffs filed a consolidated amended complaint (the  
2 "Complaint") in this consolidated shareholder derivative action;

3 WHEREAS, Defendants' responses to the Complaint are due to be filed on September  
4 14, 2007;

5 WHEREAS, the Board of Directors of Nominal Defendant Coherent, Inc. ("Coherent")  
6 has formed a Special Litigation Committee ("SLC") to investigate and evaluate the claims  
7 asserted in the Complaint;

8 WHEREAS, the parties wish to allow additional time for the SLC to conduct its  
9 investigation and to allow counsel for the SLC and plaintiffs' counsel to discuss the future course  
10 of the litigation;

11 WHEREAS, in light of the foregoing, the parties have agreed, subject to Court approval,  
12 to continue the date for Defendants' responses to the Complaint;

13 WHEREAS, the parties further believe that rescheduling the Case Management  
14 Conference currently set for November 9, 2007 until the time that the Court schedules a hearing  
15 on the responsive pleadings is appropriate;

16 WHEREAS, in light of recent developments, plaintiffs have agreed, subject to Court  
17 approval, to continue the date for Defendants' responses to the Complaint;

18 WHEREAS, the agreed-upon schedule is not for the purpose of delay, promotes judicial  
19 efficiency, and will not cause prejudice to any party;

20 THEREFORE, IT IS STIPULATED AND AGREED by plaintiffs and defendants  
21 through their undersigned counsel, subject to the approval of the Court, as follows:

22 1. Defendants' deadline to respond to the Complaint is continued from September  
23 14, 2007 to November 9, 2007.

24 2. In the event that Defendants file and serve motion(s) directed at the Complaint,  
25 plaintiffs shall file and serve an opposition no later than forty-five (45) days from the date of  
26 filing of the motion, and Defendants shall file and serve a reply no later than thirty (30) days  
27 from the date of filing of the opposition.  
28



1 Dated: August 29, 2007

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8 Dated: August 29, 2007

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Co-Lead Counsel for Plaintiffs

21 Dated: August 29, 2007

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20 Dated: August 29, 2007

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Counsel for Defendant Henry E. Gauthier

**ORDER**

Pursuant to the parties' stipulation, IT IS SO ORDERED.

Dated: 9/4, 2007

  
\_\_\_\_\_  
Hon. Jeremy Fogel  
United States District Court Judge

ATTESTATION

I, Caz Hashemi, am the ECF user whose identification and password are being used to file the STIPULATION AND [PROPOSED] ORDER EXTENDING TIME TO RESPOND TO COMPLAINT. In compliance with General Order 45.X.B, I hereby attest that Travis Downs, Nichole Browning, Joshua Hill, Justin Jeffries, Brandon Wisoff, and Jeffrey Kaban have concurred in this filing.

Dated: August 29, 2007

WILSON SONSINI GOODRICH & ROSATI  
Professional Corporation

By: /s/ Caz Hashemi  
Caz Hashemi